



MECKLENBURG COUNTY
Land Use and Environmental Services Agency

February 26, 2016

Ms. Zenia Duhaney
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

Re: Rezoning Petition 2016-043

Location: 0.67 acres located on the south side of West Summit Ave. between Merriman Ave. and Wilmore Dr.

Dear Ms. Duhaney:

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced rezoning petition.

Programs with No Comment at this Time

Solid Waste, Water Quality

Recommendations and/or Ordinance Requirement Reminders

Air Quality

Incompatible Land Use

The proposed development of parcel 119-098-10 will result in residential property being located near property zoned for industrial use (I-1 and I-2). Many industrial uses can be considered incompatible with residential uses due to regulated air emissions and other common features of industrial uses such as odors, dust, noise, and truck traffic. The proposed development is surrounded on three of four sides by I-2 general industrial district zoning. The following facilities are known sources of air pollution and are located adjacent to the parcel 119-098-10:

Facility Name	Facility Address	Facility Classification
ABRA Auto Body and Glass Uptown	1429 S Mint Street	Minor
Bill Truitt Wood Works, Inc.	1508 S Mint Street	Registered
Charlotte Pipe & Foundry Company, Inc.	1335 South Clarkson Street	Major

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Potential Nuisance Conditions

MCAQ has received odor complaints about Charlotte Pipe & Foundry Company, Inc., located adjacent to parcel 119-098-10, dating back to January 1998 (as far back as electronic records were kept). Since the beginning of 2015, MCAQ has received 41 odor complaints resulting in two Notices of Nuisance Odor being issued to the facility. The Mecklenburg County Air Pollution Control Ordinance has limited ability to remedy situations involving objectionable odor and no ability to deny air quality permits to industrial facilities as long as all requirements of the ordinance are met.

Recommendation

MCAQ recommends that the Planning Commission determine this rezoning request constitutes an incompatible land use because the requested rezoning will result in residential development in close proximity to industrial use.

MCAQ further recommends that if this rezoning request is approved that the petitioner, and subsequent developers and builders, be required to disclose the proximity and nature of nuisance complaints to all potential buyers.

Groundwater & Wastewater Services

GWS records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In ARGU where municipally supplied water is available water supply wells for water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

No further comments on the above petition at this time.

Please contact the staff members who conducted the reviews if you have any questions.

The reviews were conducted by, Megan Green

(Megan.Green@mecklenburgcountync.gov) with MCAQ, Dennis Tyndall

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Respectfully,

Jeanne Quinn, Administrative Support Supervisor

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